

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Girish K. Muralidharan	§	Group Art Unit: 2443
	§	
Application No.: 10/723,864	§	Examiner: Fearer, Mark D.
	§	
Filed: November 26, 2003	§	Confirmation No.: 9698
	§	
For: METHOD AND APPARATUS	§	Atty. Docket: GEMS:0249/YOD/DOO
FOR DYNAMICALLY	§	138256-1 SV
ADAPTING IMAGE UPDATES	§	
BASED ON NETWORK	§	
PERFORMANCE	§	

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June 29, 2010	/Matthew C. Dooley/
Date	Matthew C. Dooley

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

The appellant respectfully requests review of the final rejection in the above-referenced application. This Request is being filed with a Notice of Appeal and no amendments are being filed herewith. In the Final Office Action mailed March 29, 2010, the examiner rejected claims 1-18, 20-23, 31-35, and 40-49, all of which remain pending in the present application. The appellant respectfully requests reconsideration of the pending claims in view of the following remarks.

**Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103(a)**

In the Final Office Action, the examiner rejected independent claims 1, 15, 31, 40, and 42 under 35 U.S.C. § 102(b) as anticipated by Collins, U.S. Pub. No. 2002/0029285 (hereinafter “Collins”) and independent claim 41 under 35 U.S.C. § 103(a) as unpatentable over Collins, in view of Tanenbaum, U.S. Patent No. 5,119,319 (hereinafter “Tanenbaum”).

***Omitted Features of Independent Claim 1 in view of Collins***

Independent claim 1 recites, *inter alia*, “a serving station *coupled to a medical diagnostic imaging system for controlling the imaging system...*the serving station comprising: *a scanner module configured to modify a scanning rate of the image data...*and a plurality of *network sensors in communication with the serving station.*” (Emphasis added.)

Collins appears to disclose an application server that executes an application program that is locally displayed for a user similar to if the program were being executed on workstation of the user independent of the application server. *See* Collins, paragraphs 33, 35, and 38. However, the appellant has reviewed Collins and has been unable to find a single disclosure in Collins of a serving station *coupled to a medical diagnostic imaging system for controlling the imaging system* and configured to receive image data, as recited in independent claim 1. Indeed, no citation to Collins is given in the Final Office Action as disclosing the above referenced elements of independent claim 1. *See* Final Office Action, page 2. Moreover, the appellant is unable to find any discussion in Collins relating to *a scanner module configured to modify a scanning rate of the image data* and configured to receive image data, as recited in independent claim 1. While the examiner read a discussion in Collins relating to the adaptation of a processing rate in response to changing conditions (*see id.*), nowhere in Collins is this processing rate described as analogous to a *scanner module*. Indeed, the processing rate disclosed by Collins is more aptly read to be the rate at which graphical data may be transmitted to a remote user workstation (*see* Collins, paragraph 14), not a *scanner module* configured to *modify a scanning rate of the image data* and configured to receive image data. Finally, the examiner cited paragraph 14 of Collins as disclosing a plurality of *network sensors in communication with*

*the serving station*, as recited in independent claim 1. *See* Office Action, page 4. However, the appellant has reviewed Collins and has failed to discern *any* sensors, let alone a plurality of *network sensors in communication with the serving station*. Accordingly, for at least the reasons set forth above, Collins fails to disclose all recitations of independent claim 1.

***Omitted Features of Independent Claim 15 in view of Collins***

Independent claim 15, recites, *inter alia*, “linking a serving station to a served station via a network, the serving station being *coupled to a medical diagnostic imaging system for controlling the imaging system* ... the serving station provides screen data *derived from an imaging system* to the served station...adjusting the screen data comprises *modifying a frame buffer scanning algorithm based on the network performance*.” (Emphasis added.) Here again, the appellant is unable to find a single disclosure in Collins of a serving station being *coupled to a medical diagnostic imaging system for controlling the imaging system* or a serving station providing screen data *derived from an imaging system* to the served station, as recited in independent claim 15. As noted above, Collins simply does not describe an imaging system. Moreover, the examiner cited paragraph 14 of Collins as disclosing adjusting the screen data including *modifying a frame buffer scanning algorithm based on the network performance*, as recited in independent claim 15. *See* Final Office Action, page 9. However, the appellant has reviewed this entire portion of Collins and has failed to find any description in Collins that may be read as *modifying a frame buffer scanning algorithm based on the network performance*, as recited in independent claim 15. There is simply no disclosure of modifying *any* scanning algorithm in the cited portion of Collins, let alone *modifying a frame buffer scanning algorithm based on the network performance*, as recited in independent claim 15. As such, Collins fails to disclose all recitations of independent claim 15.

***Omitted Features of Independent Claims 31 and 40 in view of Collins***

Independent claim 31 recites, *inter alia*, “linking a serving station to a served station via a network, the serving station being *coupled to a medical diagnostic imaging system for controlling the imaging system* and being configured to receive image data.” (Emphasis added.)

Similarly, independent claim 40 recites, *inter alia*, “a serving station *coupled to a medical diagnostic imaging system for controlling the imaging system* and configured to receive image data.” (Emphasis added.) The appellant is unable to find a single disclosure in Collins of a serving station being *coupled to a medical diagnostic imaging system for controlling the imaging system* and being configured to receive image data, as recited in independent claims 31 and 40. The only citation by the examiner to Collins with respect to this recitation is directed to paragraph 14. *See* Final Office Action, pages 10 and 12-13. However, there does not appear to be *any* disclosure in paragraph 14 of Collins directed to a *medical diagnostic imaging system for controlling the imaging system* and being configured to receive image data, as recited in independent claims 31 and 40. Instead, this portion of Collins appears only to disclose, at best, a server agent 160 that may be connected to network 140, but not to a *medical diagnostic imaging system for controlling the imaging system*, as recited in independent claims 31 and 40. *See* Collins, Fig. 3; paragraph 14. Accordingly, the Appellant respectfully submits that Collins cannot be read as disclosing all elements of independent claims 31 and 40.

***Omitted Features of Independent Claim 42 in view of Collins***

Independent claim 42 recites, *inter alia*, “a scanner module configured to modify a scanning rate of the image data...and a plurality of network sensors in communication with the serving station.” (Emphasis added.) The examiner read paragraph 14 of Collins as generally discussing a scanner module configured to modify a scanning rate of the image data. *See* Final Office Action, page 14. However, the appellant cannot find a single description in the cited portion of Collins directed to a scanner module configured to modify a scanning rate of the image data, as recited in independent claim 42. Indeed, this portion of Collins appears to be merely discussing the adaptation of a processing rate in response to changing conditions; however, nowhere in this portion of Collins is the disclosed processing rate described as analogous to a scanner module as recited in independent claim 42. Moreover, while the examiner cited all of paragraph 14 of Collins as teaching a plurality of network sensors in communication with the serving station, as recited in independent claim 42 (*see id.*), the cited portion of Collins fails to disclose *any* sensors, let alone a plurality of network sensors in

*communication with the serving station*, as recited in independent claim 42. Accordingly, for at least the reasons set forth above, Collins fails to disclose all recitations of independent claim 42.

***Omitted Features of Independent Claim 41 in view of Collins and Tanenbaum***

Independent claim 41 recites, *inter alia*, “a serving station *coupled to a medical diagnostic imaging system for controlling the imaging system* and configured to receive image data.” (Emphasis added.) As set forth above with respect to the arguments regarding independent claims 15, 31, and 40, Collins fails to teach a serving station *coupled to a medical diagnostic imaging system for controlling the imaging system* and being configured to receive image data, as recited in independent claim 41. The only citation by the examiner to Collins with respect to this recitation is directed to paragraph 14 of Collins. *See* Final Office Action, pages 19-20. However, there does not appear to be *any* teaching in paragraph 14 of Collins directed to a *medical diagnostic imaging system for controlling the imaging system* and being configured to receive image data, as recited in independent claim 41. Additionally, Tanenbaum fails to obviate the deficiencies of Collins. Accordingly, the appellant respectfully submits that neither Collins nor Tanenbaum, taken separately or in hypothetical combination, teach all elements of independent claim 41.

**Conclusion**

In view of the remarks and amendments set forth above, the Appellant respectfully requests withdrawal of the rejection and allowance of the pending claims.

Respectfully submitted,

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